IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No.: 1051 of 2002.

Reserved on: 25.10.2007.

Decided on: 29.10.2007.

Narinder Singh. … … Petitioner.

Versus

Jogindra Central Coop. Bank & Ors. … … Respondents.

Coram:

The Hon'ble Mr. Justice Rajiv Sharma, J.

Whether approved for reporting?[1] *No.*

For the Petitioner:	**Mr. Sanjeev Kuthiala, Advocate with Ms. Neelam, Advocate.**
For Respondents No.1 & 2:	**Mr. Ramakant Sharma, Advocate.**
For Respondent No.4:	**Mr. Dinesh Bhanot, Advocate.**

Rajiv Sharma, Judge:

The brief facts necessary for the adjudication of this petition are that the respondent-Bank had issued advertisement whereby applications were invited from the eligible candidates, i.e. trained Secretaries of PACS for filling-up two posts of Grade-IV (Clerks) in the pay-scale of Rs.4750-11250. The minimum qualification for filling-up the Grade-IV posts (Clerks) for Trained Secretaries was second division in Matric, Higher Secondary or equivalent from recognized University/Board or a graduate with minimum of 5 years continuous service as a Secretary of Primary Agriculture Credit Service

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Whether reporters of local papers may be allowed to see the judgment? No.

Societies/employee of other Cooperative Societies. The petitioner submitted application for being considered against the category of OBC for the post of Clerk meant for trained Secretaries of PACS. The candidature of the petitioner was rejected by the scrutining Committee on the ground that he was not trained Secretary of PACS, but his candidature was considered against the general category candidates since he was in possession of minimum qualification, i.e. 60% marks in matriculation. He could not qualify the examination meant for general category candidates.

Mr. Sanjeev Kuthiala, Advocate with Ms. Neelam Advocate had strenuously argued that the candidature of the petitioner had been wrongly rejected and the respondent No.4 could not be offered appointment to the post of Clerk by the respondent-Bank. Mr. Ramakant Sharma had strenuously argued that the Scrutining Committee had rightly rejected the candidature of the petitioner since he was not a trained Secretary working in PACS, but his candidature was considered in the general category and was not found suitable for appointment to the post of Clerk. Mr. Sharma has also contended that the appointment of respondent No.4 was against the OBC category (Trained Secretary of PACS) and not against the physically handicapped category as projected by the petitioner.

I have heard the learned counsel for the parties and also perused the record.

It is evident from the bare reading of advertisement (Annexure P-1) that two posts were meant for trained Secretaries out of which one was reserved for SC category and one for OBC. True it is that the petitioner belongs to OBC category, but no certificate has been placed on record to substantiate that he was a trained Secretary from Cooperative Training Centre, Mashobra, Shimla-7. The candidates who

were to be considered for the post of Clerk in the category of trained Secretaries of PACS were required to be in possession of diploma issued by the Institution, i.e. Cooperative Training Centre, Mashobra. In the absence of the petitioner being in possession of the diploma as required, he was not eligible to be considered for the post of Clerk meant for trained Secretaries of PACS and the decision of Scrutining Committee declaring him ineligible cannot be faulted with. So far as the appointment of respondent No.4 is concerned, the same is also in accordance with law since he as per the submissions of Mr. Ramakant Shyama has been appointed in the category of OBC and not in the category of physically handicapped persons. The respondent-Bank in its own discretion had considered the case of the petitioner in general category, but he was not found suitable for the appointment to the post of Clerk.

Consequently, there is no merit in the writ petition and the same is dismissed with no order as to costs.

October 29, 2007. **(Rajiv Sharma), Judge.**
(sck)